

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KAREN D. LEE, by the Family Trust, her :
Guardian *Ad Litem* :

vs. :

MAGNUS K. IKHINMWIN, M.D., and :
COMMUNITY HEALTH NET, and :
HAMOT MEDICAL CENTER :

CIVIL ACTION NO. 03-185 Erie

**MOTION TO ENFORCE SETTLEMENT
BETWEEN PLAINTIFF AND DEFENDANT,
UNITED STATES OF AMERICA**

Plaintiff, Karen D, Lee, through her counsel, hereby files this Motion to Enforce Settlement Between Plaintiff and Defendant, United State of America. In support thereof, Plaintiff represents the following:

1. This case was settled by the parties during the course of two settlement conferences conducted by the Court on June 16, 2005 and July 1, 2005.

2. Following the settlement conferences, Defendant, Hamot Medical Center, promptly tendered the entirety of its settlement contribution to the Plaintiff and Plaintiff has stood ready thereafter to execute a general release to all Defendants upon tender of the settlement contribution of Defendant, United States of America ("United States").

3. Despite repeated requests by Plaintiff's counsel to the United States' attorneys following the settlement conferences, the United States has not tendered its settlement contribution to the Plaintiff.

4. The settlement contribution of the United States consists of a cash payment to the Plaintiff and payments to insurance carriers to fund three structured settlement annuities, two to the Plaintiff for payment of future medical bills and compensatory damages, respectively, and one to Plaintiff's counsel for partial payment of attorney's fees.

5. The three structured settlement annuity quotes, which comprise a majority portion of the settlement contribution of the United States, expired on July 13, 2005, and have not been re-quoted despite repeated requests by Plaintiff's counsel to have the United States do so.

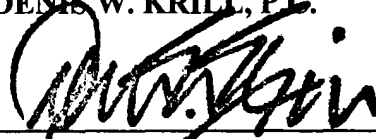
6. All conditions of settlement imposed by the United States, including the furnishing of Plaintiff's medical records for a period of three years prior to settlement, the furnishing of current diagnostic test results to rule out evidence on any underlying life threatening disease process to the Plaintiff, and confirmation of compromise of subrogation claims of the Pennsylvania Department of Public Assistance, have been fully complied with by Plaintiff.

7. By this Motion, Plaintiff requests the Court's further involvement in this case to enforce and order completion of the settlement between the Plaintiff and the United States, by entering an appropriate Order compelling the United States to re-quote the three structured settlement annuities involved and to conclude settlement by making all payments required to be made by the United States directly to and on behalf of the Plaintiff within twenty days of the Court's Order.

WHEREFORE, plaintiff respectfully requests this Honorable Court GRANT the attached
Order.

Respectfully submitted,

DENIS W. KRILL, P.C.

A handwritten signature in black ink, appearing to read 'D. Krill', is written over a horizontal line.

DENIS W. KRILL, ESQUIRE

309 French Street
Erie, Pennsylvania 16507
(814) 454-4545

JAMES E. BEASLEY, JR., M.D., ESQUIRE

1125 Walnut Street
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(215) 931-2676
Attorneys for Plaintiff

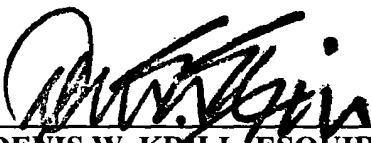
CERTIFICATE OF SERVICE

Denis W. Krill, Esquire, hereby certifies that on this date, a true and correct copy of the foregoing Plaintiffs' Motion was sent to the below-listed individuals via United States First Class Mail, postage prepaid:

Michael C. Colville, Esquire, Asst. U.S. Attorney
Western District of Pennsylvania
U.S. Department of Justice
633 United States Post Office & Courthouse
Pittsburgh, PA 15219

Marcia H. Haller, Esquire
100 State Street
Suite 700
Erie, PA 16507-1459

DENIS W. KRILL, P.C.



DENIS W. KRILL, ESQUIRE
309 French Street
Erie, Pennsylvania 16507
(814) 454-4545
Attorneys for Plaintiff

Date: November 7, 2005

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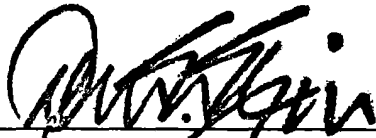
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VERIFICATION

Denis W. Krill, Esquire, attorney for the plaintiff, Karen D. Lee, verifies that the statements made in the foregoing Motion are true and correct to the best of his knowledge, information and belief. The undersigned understands that the statements made therein are subject to penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.

DENIS W. KRILL, P.C.



DENIS W. KRILL, ESQUIRE
309 French Street
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(814) 454-4545
Attorneys for Plaintiff

Date: November 7, 2005